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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,453	06/06/2000	Mohammad Husain	56728-P002US-10005779	9205
29053	7590	01/12/2005	EXAMINER	
DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.			LANIER, BENJAMIN E	
2200 ROSS AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
DALLAS, TX 75201-2784			2132	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,453

Applicant(s)

HUSAIN ET AL.

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41, 48-50 and 56-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41, 48-50 and 56-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10 November 2004 have been fully considered but they are not persuasive. Applicant's argument that the Maes reference does not disclose captured information being used to receive separate verifying information is not persuasive because Maes discloses that the user is verified using PIN, password, and biometric information that is used to received verification information in the form of a digital certificate (Col. 3, line 37 – Col. 4, line 11).
2. Applicant's argument that the PDA and smart card of Maes cannot be considered a transaction processing device is not persuasive because the PDA and smart card of Maes is used to store the user information, credit card information, and various verification information (Col. 6, line 59 – Col. 7, line 1). The PDA utilizes the above mentioned information to process a transaction, which would make it a transaction processing device.
3. Applicant's arguments the Maes reference does not disclose a point of sale terminal is not persuasive because the Maes reference disclose transactions that are processed in part by a point of sale terminal (Col. 12, lines 11-13).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14, 15-35, 37, 39-41, 48-50, 56, 57, 59-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Maes, U.S. Patent No. 6,016,476. Referring to claims 1-, 11-14, 17, 18, 20-30, 35, 37, 39-41, 48, 56, 57, 60, 61, Maes discloses a portable transaction system wherein a user is enrolled with a service provider and the user's information and credit card or ATM card information is stored on a central server of the service provider (Col. 6, line 59 – Col. 7, line 1), which meets the limitation of receiving initial information from a subscriber, and storing said initial information. In order for the user to conduct a transaction selected card information is supplied from the user's PDA to the ATM or point of sale terminal through an established communication link (Col. 12, lines 11-13), which meets the limitation of providing said transaction processing device to said subscriber, and receiving identification information from said subscriber through said transaction processing device. The merchant of the ATM or point of sale terminal may then verify that the local verification of the user has been properly obtained by establishing a communication link with the central server of the service provider. If the selected card information corresponds to a credit card and user that was previously enrolled with the service provider the central server notifies the merchant that the user was properly verified (Col. 12, line 57 – Col. 13, line 5), which meets the limitation communicating, by said transaction processing device through a network, said identification information to an authenticating server, using by said authenticating server, said identification information to obtain verifying information related to said subscriber, activating, by said authenticating server, said subscriber account when said verifying information is consistent with said initial information, wherein said activating enables said transaction processing device to initiate payments into said subscriber account from third parties via said network.

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Referring to claim 7-10, 49, 50, Maes discloses that the transmitted information can be encrypted (Col. 10, lines 1-11).

Referring to claims 15, 16, Maes discloses a portable transaction system wherein a user's credit card information, that is being used at a POS terminal (device), is sent to the financial institution upon reception from the POS terminal. If the credit card information is valid, the financial institution sends the central server authorization information (verifying information)(Abstract, Col. 12, lines 55-66).

Referring to claims 31, 32, 34, Maes discloses that the transactions can be made via the Internet with a merchant's Web Site and a subscriber PDA (Col. 13, lines 39-50).

Referring to claim 59, Maes discloses the subscriber answering enrollment questions from the central server (Col. 8, lines 16-27).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 36, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes, U.S. Patent No. 6,016,476, in view of Ramasubramani, U.S. Patent No. 6,233,577. Referring to claims 36, 38, Maes discloses a portable transaction system wherein a user is enrolled with a service provider and the user's information and credit card or ATM card information is stored on a central server of the service provider (Col. 6, line 59 – Col. 7, line 1), which meets the limitation of receiving initial information from a subscriber, and storing said initial information. In order

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for the user to conduct a transaction selected card information is supplied from the user's PDA to the ATM or point of sale terminal through an established communication link (Col. 12, lines 11-13), which meets the limitation of providing said transaction processing device to said subscriber, and receiving identification information from said subscriber through said transaction processing device. The merchant of the ATM or point of sale terminal may then verify that the local verification of the user has been properly obtained by establishing a communication link with the central server of the service provider. If the selected card information corresponds to a credit card and user that was previously enrolled with the service provider the central server notifies the merchant that the user was properly verified (Col. 12, line 57 – Col. 13, line 5), which meets the limitation communicating, by said transaction processing device through a network, said identification information to an authenticating server, using by said authenticating server, said identification information to obtain verifying information related to said subscriber, activating, by said authenticating server, said subscriber account when said verifying information is consistent with said initial information, wherein said activating enables said transaction processing device to initiate payments into said subscriber account from third parties via said network. Maes does not disclose that the user uses a username and password associated with the account, or that the user can select their own username and password. Ramasubramani discloses a certificate management system wherein a user in the cellular network (wireless device) has an account that contains various information, such as a username and password created by the user (Col. 8, lines 49-52). The user can access their account by authenticating themselves through a website (Col. 7, lines 10-19).

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With regards to claim 36, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a username as well as a password or PIN in Maes in order to provide an added layer of security as taught by Ramasubramani (Col. 8, lines 49-52).

With regards to claim 38, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to select their own username and password in order for the username and password to be easily remembered by the user as taught by Ramasubramani (Col. 8, lines 49-52).

8. Claims 19, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maes, U.S. Patent No. 6,016,476, in view of Deo, U.S. Patent No. 5,721,781. Referring to claims 19, 58, Maes does not disclose using driver's license information as verification information. Deo discloses using a drivers license as verification information (Col. 1, line 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the driver's license of Deo as user verification information in the portable transaction system of Maes because Deo discloses that driver's license information is a proper form of identification (Col. 1, line 27).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100